

Application No. 10/597794

Responsive to the Office Action dated June 24, 2009

**IN THE DRAWINGS**

The drawings are amended to correct informalities. Particularly, Replacement Sheets of Figures 19 and 20A-20C are submitted herewith so as to be designated as prior art. No new matter is added.

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### **REMARKS**

This Amendment is in response to the final Office Action mailed on June 24, 2009. Claims 1 and 5 are amended. Claim 1 is amended to include language from claims 5 and 10 and is further supported, for example, in the specification on page 23, lines 2-9. Claims 3, 4, 6, 10 are cancelled without prejudice or disclaimer. No new matter is added. Claims 1, 5 and 7-9 are pending.

#### **Drawing Objections:**

The drawings are objected to for informalities. Namely, Figures 19 and 20A-20C are objected to as not being designated as prior art. Replacement Sheets of Figures 19 and 20A-20C are submitted herewith so as to be designated as prior art, as suggested by the Examiner. Withdrawal of this objection is requested.

#### **§103 Rejections:**

Claims 1-3 and 5 are rejected as being anticipated by Nonaka (US Patent No. 7,162,151) in view of Applicants Admitted Prior Art (AAPA). This rejection is now moot as claim 1 is amended to include language from claim 10. Applicants do not concede the correctness of this rejection.

Claims 6 and 10 are rejected as being unpatentable over Nonaka in view of AAPA and further in view of Tamamura (US Patent No. 7,463,284). This rejection is now moot as claims 6 and 10 are cancelled without prejudice or disclaimer. Applicants do not concede the correctness of this rejection. However, as claim 1 is amended to include language from claim 10, Applicants respond to this rejection with respect to claim 1, to the extent the rejection applies.

Claim 1 is directed to a multi-eye imaging apparatus that recites, among other features, a shake amount obtaining means that obtains the shake amount after image capture, that is performed by changing the positional relationship in time series using the first imaging system, is finished. Claim 1 also recites an optimal image selecting means for selecting image information which is used in the combination of the image combining means, from image information captured by the first imaging system and image

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information captured by the second imaging system that are accumulated in the image memory.

The combination of Nonaka, AAPA and Tamamura does not teach or suggest these features. It appears that the rejection interprets the camera shake detection section 19 of Nonaka as the shake amount obtaining means of claim 1. However, Nonaka teaches that its actuator 21 moves the image pickup device 12 to reduce the influence of the camera shake, while the exposure (i.e., image capture) is performed (see column 4, lines 47-59 and Figure 3 of Nonaka). Thus, the configuration of Nonaka requires that the camera shake amount be calculated during the image capture. In contrast, claim 1 recites that the shake amount obtaining means obtains the shake amount after image capture is finished.

An advantage of the above features of claim 1 is that the time interval between the image capture time at which image capture is performed without pixel shift (i.e., a change in the positional relationship) and the image capture time at which image capture is performed using pixel shift can be reduced. Thus, the effects of the apparatus shaking can be reduced, and image capture can be achieved even during fast motion of a subject (see page 22, line 23-page 23, line 1). As Nonaka does not contemplate these advantages of claim 1, Nonaka also cannot contemplate a shake amount obtaining means that obtains the shake amount after image capture is finished. AAPA and Tamamura does not overcome these deficiencies of Nonaka.

Also, the rejection relies on Tamamura for teaching an optimal image selecting means for selecting image information which is used in the combination of the image combining means, from image information captured by the first imaging system and image information captured by the second imaging system that are accumulated in the image memory. However, nowhere does Tamamura contemplate the configuration of the first imaging system of claim 1. Thus, Tamamura also cannot contemplate an image combining means that combines image information captured by a first imaging system and image information captured by a second imaging system. Accordingly, Tamamura further cannot contemplate an optimal image selecting means for selecting image information which is used in the combination of the image combining means, from image information captured by the first imaging system and image information captured by the

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second imaging system that are accumulated in the image memory, as recited in claim 1. Nonaka and AAPA does not overcome these deficiencies of Tamamura.

For at least these reasons claim 1 is not suggested by the combination of Nonaka, AAPA and Tamamura and should be allowed. Claims 3 and 5 depend from claim 1 and should be allowed for at least the same reasons.

Claims 7 and 8 are rejected as being unpatentable over Nonaka in view of AAPA and further in view of Nakazono (JP No. 2003-134385). This rejection is traversed. Claims 7 and 8 depend from claim 1 and should be allowed for at least the same reasons described above. Applicants do not concede the correctness of this rejection.

Claim 9 is rejected as being unpatentable over Nonaka in view of AAPA and further in view of Yu (US Patent No. 6,611,289). This rejection is traversed. Claim 9 depends from claim 1 and should be allowed for at least the same reasons described above. Applicants do not concede the correctness of this rejection.

Conclusion:

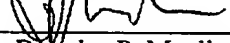
Applicants respectfully assert that the pending claims are in condition for allowance. If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612) 455-3804.

Respectfully submitted,



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